

# SENATE BILL No. 481

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-7-4.2.

**Synopsis:** County stormwater drain maintenance. Provides that if a stormwater drain in a subdivision has been dedicated to the county, it is the duty of the county to perform maintenance on the stormwater drain so as to keep it in proper working order.

**Effective:** July 1, 2015.

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January 14, 2015, read first time and referred to Committee on Utilities.

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First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 481

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 36-7-4.2 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]:  
4 **Chapter 4.2. Subdivision Stormwater Drains**  
5 **Sec. 1. This chapter applies only to stormwater drains in a**  
6 **subdivision that is not located within a municipality.**  
7 **Sec. 2. (a) As used in this chapter, "developer" means the person**  
8 **that subdivides a parcel of land into lots, parcels, tracts, units, or**  
9 **interests under the subdivision control ordinance adopted by the**  
10 **legislative body of the county in which the parcel is located.**  
11 **(b) The term includes the successor in interest to a developer.**  
12 **Sec. 3. (a) As used in this chapter, "stormwater drain" means a**  
13 **structure that:**  
14 **(1) is designed to drain rainwater from a paved street; and**  
15 **(2) consists of:**  
16 **(A) a grate or other opening at street level that allows**



rainwater to pass through and flow downward into the stormwater drain;

(B) one (1) or more outlet pipes that are:

- (i) located below the grate but above the catch basin; and
- (ii) designed to carry excess rainwater away from the stormwater drain; and

(C) a catch basin that is:

- (i) located at the bottom of the stormwater drain; and
- (ii) designed to catch and retain fallen tree leaves and other debris that enter the stormwater drain with the rainwater.

(b) The term includes the entire length of outlet pipe that connects a stormwater drain:

- (1) to the storm sewer, dry well, or retention pond to which rainwater is carried from the stormwater drain; or
- (2) to the next stormwater drain, if multiple stormwater drains are connected.

Sec. 4. As used in this chapter, "stormwater drain maintenance" means:

- (1) the repair of a stormwater drain that is in need of repair; and
- (2) the necessary periodic servicing of a stormwater drain, including the removal of accumulated debris from the catch basin of the stormwater drain.

Sec. 5. As used in this chapter, "subdivision" means a parcel of land that is subdivided into lots, parcels, tracts, units, or interests in the manner prescribed by a subdivision control ordinance adopted by the legislative body of the county in which the subdivision is located.

Sec. 6. For purposes of this chapter, a stormwater drain or street containing a stormwater drain becomes dedicated to the county when the developer of the subdivision in which the stormwater drain or street is located:

- (1) executes a deed of dedication to transfer; or
- (2) otherwise, in accordance with the governing subdivision control ordinance, transfers;

to the county the developer's interest in the stormwater drain or street.

Sec. 7. (a) From the time that a stormwater drain or street containing a stormwater drain is dedicated to the county, it is the duty of the county to perform stormwater drain maintenance on the stormwater drain so as to keep it in proper working order.



- 1           **(b) In carrying out its duty under this section, a county may not**  
2 **seek reimbursement from:**  
3           **(1) the homeowners association of the subdivision in which a**  
4 **stormwater drain is located; or**  
5           **(2) the owners of property adjoining the stormwater drain.**

